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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/938,184
Filing Date: August 23, 2001
Appellant(s): ANDERSON ET AL.

MAILED
JUL 30 2007

Technology Center 2100

Valerie M. Davis
(Reg. No. 50,203)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/16/2007
appealing from the Office action mailed 08/23/2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5471532	GARDECK et al.	11-1995
5481610	DOIRON et al.	01-1996
6208216	MILLER	03-2001

Schneier, Bruce et al. Applied Cryptography, CRC Press, 1996, pp. 1-2.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

Claims 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardeck, U.S. Patent No. 5,471,532.

As per claim 12, the applicant describes a method comprising the following limitations which are met by Gardeck:

a) receiving, by a manual key delivery device from a centralized key management facility that is remote from the manual key delivery device, one or more key management messages including indicia of respective target communication devices

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that are to receive the key management messages (Col 3, line 45 to Col 4, line 9);

b) operably connecting the key delivery device to one or more candidate encryption devices (Col 3, line 45 to Col 4, line 9);

c) determining, by the key delivery device upon connecting to the one or more candidate encryption devices and based on the indicia included in the one or more received key management messages, which ones of the candidate encryption devices are target encryption devices (Col 3, line 45 to Col 4, line 9);

d) delivering, from the key delivery device, one or more key management messages to the candidate encryption devices determined by the key delivery device to be target encryption devices (Col 3, line 45 to Col 4, line 9).

As per claim 13, the applicant describes the method of claim 12, which is met by Gardeck, with the following limitation which is also met by Gardeck:

a) determining, by the key delivery device upon connecting to the one or more candidate encryption devices, which ones of the candidate encryption devices are not target encryption devices (Col 3, line 45 to Col 4, line 9);

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b) not delivering key management messages to the candidate encryption devices determined by the key delivery device not to be target encryption devices (Col 3, line 45 to Col 4, line 9).

Claim Rejections - 35 USC § 103

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardeck in view of Doiron, U.S. Patent No. 5,481,610.

As per claim 14, the applicant discloses the method of claim 12, which is met by Gardeck, with the following limitation which is met by Doiron:

Further comprising the step of displaying, by the key delivery device upon a successful delivery of a key management message to a target encryption device, a message indicative of the successful delivery of the key management message to the target encryption device (Doiron: Col 8, line 62 to Col 9, line 15);

Gardeck discloses all the limitations of claim 12. However, Gardeck appears to be silent as to displaying a message indicative of successful delivery of a key message to a target encryption device. Doiron discloses a rekeying system in which the key delivery device has a display. When a key is delivered,

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the user is able to tell if the delivery was a success. If the transfer is a success, "Good transfer" appears on the screen.

It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Doiron with those of Gardeck and display a message indicative of a successful transfer because doing so allows a user to know that successful transmission of a key has completed.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardeck in view of Miller, U.S. Patent No. 6,208,612.

As per claim 15, the applicant describes the method of claim 12, which is met by Gardeck, with the following limitation which is met by Miller:

Further comprising the step of displaying, by the key delivery device upon an unsuccessful delivery of a key management message to a target encryption device, a message indicative of the unsuccessful delivery of a key management message to the target encryption device (Miller: Col 10, lines 20-34);

Gardeck discloses all the limitations of claim 12. However, Gardeck appears to fail to disclose displaying a

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message indicative of an unsuccessful transfer. Miller discloses the idea that a message indicative of an unsuccessful transfer may be displayed. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Miller with those of Gardeck because doing so allows a user to know that a transmission has been unsuccessful.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardeck in view of Schneier (Schneier, Bruce. Applied Cryptography. CRC Press. 1996. pages 1-2).

As per claims 16-18, the applicant describes the method of claim 12, which is met by Gardeck, with the following limitations:

- a) determining a target destination identifier associated with the encrypted key management message (Gardeck: Col 3, line 45 to Col 4, line 9; Schneier: pages 1-2);
- b) delivering the encrypted key management message to a target communication device corresponding to the target destination identifier (Gardeck: Col 3, line 45 to Col 4, line 9; Schneier: pages 1-2);

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Gardeck discloses all the limitations of claim 12. Gardeck, however, is silent to whether the key management message is encrypted. Schneier discloses the well-known idea that a message may be encrypted. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Schneier with those of Gardeck because doing increases the security associated with a message.

(10) Response to Argument

A. Rejection of claims 12 and 13 anticipated by Gardeck et al.

Appellant argues that no "manual key delivery device" is used in Gardeck. With respect to this argument, Appellant's claims require the key delivery device to receive key management messages from a centralized key management facility that is **remote** from the key delivery device. Therefore, giving the claim its broadest reasonable interpretation, a "manual key delivery device" is any device that can send and receive key management messages remotely. Also since every device has some sort of manual intervention (e.g. to power it on or configure it or make a connection) all devices are considered to be manual. Furthermore, Appellant's specification states that, "It will appreciated, however, that wireless communications or other suitable means might be used to communicate key management messages" (see page 6 lines 22-25). Therefore, the over-the-air

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(i.e. wireless) devices of Gardeck anticipate the "manual key delivery device" of the claimed invention.

Appellant also argues each limitation of claim 12 with specific emphasis added. In response to this argument each limitation is more specifically addressed:

a) receiving, by a manual key delivery device from a centralized key management facility that is remote from the manual key delivery device, one or more key management messages including indicia of respective target communication devices that are to receive the key management messages (see column 3 lines 45-55 where the home key unit is the centralized key management unit and the first key unit is the manual key delivery device);

b) operably connecting the key delivery device to one or more candidate encryption devices (see column 3 line 45 through column 4 line 9 where the wireless connection between the first key unit and the communication unit is operably connecting the devices);

c) determining, by the key delivery device upon connecting to the one or more candidate encryption devices and based on the indicia included in the one or more received key management messages, which ones of the candidate encryption devices are target encryption devices (see column 3 line 67 through column 4

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line 9 where the unit identification code is used to determining which communication unit to send the rekeying information);

d) delivering, from the key delivery device, one or more key management messages to the candidate encryption devices determined by the key delivery device to be target encryption devices (see column 3 line 45 through column 4 line 9 where the sending of the key packet is the delivery of the key management messages).

B. Rejection of claim 14 over Gardeck in view of Doiron

Appellant argues that Doiron fails to make up for the deficiencies of Gardeck. This argument is moot in view of the above response.

C. Rejection of claim 15 over Gardeck in view of Miller

Appellant argues that Miller fails to make up for the deficiencies of Gardeck. This argument is moot in view of the above response.

D. Rejection of claims 16-18 over Gardeck in view of Schneier

Appellant argues that Schneier fails to make up for the deficiencies of Gardeck. This argument is moot in view of the above response.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Michael Pyzocha

mfp

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